

Message Text

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PAGE 01 EC BRU 09211 211532Z

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 AID-05 CEA-01 COME-00 EB-07

FRB-03 CIEP-01 STR-04 TRSE-00 LAB-04 SIL-01 SAM-01

OMB-01 /081 W

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O R 211358Z SEP 76

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC IMMEDIATE 1846

INFO ALL EC CAPITALS 2506

AMEMBASSY BERLIN

AMEMBASSY MOSGOW

USMISSION BERLIN

USMISSION NATO

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E.O.11652: N/A

TAGS: EEC, PINT

SUBJECT: EC FOREIGN MINISTER'S COUNCIL, SEPTEMBER 20, 1976:
EUROPEAN PARLIAMENT DIRECT ELECTIONS

REF: EC BRUSSELS 6915

1. SUMMARY: DURING THE SEPTEMBER 20 COUNCIL MEETING, THE EC FOREIGN MINISTERS APPROVED AND SIGNED A COUNCIL DECISION AND AN ACT CONCERNING DIRECT ELECTION OF MEMBERS OF THE EUROPEAN PARLIAMENT (EP). THIS ACTION, WHICH CAME AFTER MONTHS OF DELAY, FORMALLY CODIFIED THE DECISION TAKEN BY THE EC HEADS OF GOVERNMENT AT THE JULY 12-13 EUROPEAN COUNCIL TO ESTABLISH A 410-SEAT PARLIAMENT, WHOSE MEMBERS ARE TO BE DIRECTLY ELECTED FOR A FIVE-YEAR TERM. THE MEMBER STATE GOVERNMENTS WILL NOW HAVE TO SUBMIT THE ACT TO NATIONAL
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PAGE 02 EC BRU 09211 211532Z

RATIFICATION PROCEDURES. ALTHOUGH THE COUNCIL DECISION EX-

PRESSES AN INTENTION TO MEET THE MAY-JUNE 1978 DEADLINE FOR ELECTIONS SPECIFIED BY THE DECEMBER 1975 EUROPEAN COUNCIL, THE QUESTION OF A SPECIFIC DATE HAS BEEN LEFT TO LATER DETERMINATION BY THE EC COUNCIL. DENMARK HAS INDICATED A RESERVATION WITH RESPECT TO MEETING THE 1978 DEADLINE; CROSLAND DROPPED THE UK RESERVATION ON TIMING, BUT INDICATED THAT THERE ARE "CONSTITUTIONAL DIFFICULTIES" TO BE OVERCOME. END SUMMARY.

2. THE COUNCIL DECISION - THE COUNCIL DECISION ADOPTS THE PROVISIONS OF THE ACCOMPANYING ACT, WHICH SPECIFIES ARRANGEMENTS FOR DIRECT ELECTIONS, AND RECOMMENDS THAT THE MEMBER STATE GOVERNMENTS RATIFY THE ACT IN ACCORDANCE WITH THEIR RESPECTIVE CONSTITUTIONAL REQUIREMENTS. BOTH THE DECISION AND THE ACT ARE BASED UPON ARTICLE 138 OF THE ROME TREATY AND THE CORRESPONDING ARTICLES OF THE OTHER TREATIES.

3. THE ACT - THE MAIN PROVISIONS OF THE ACT ARE AS FOLLOWS:

(A) ARTICLE 2 PROVIDES FOR ALLOCATION OF THE 410 SEATS, AS REPORTED EC BRUSSELS 6915;

(B) ARTICLE 3 PROVIDES FOR A FIVE-YEAR TERM OF OFFICE FOR PARLIAMENTARIANS.

(C) ARTICLE 4 REQUIRES THAT PARLIAMENTARIANS VOTE ON AN INDIVIDUAL AND PERSONAL BASIS AND THAT THEY NOT BE BOUND BY ANY INSTRUCTIONS OR RECEIVE ANY BINDING NATIONAL MANDATES;

(D) ARTICLE 5 SPECIFIES THAT MEMBERSHIP IN THE EP IS COMPATIBLE WITH MEMBERSHIP IN MEMBER STATE PARLIAMENTS.

(E) ARTICLE 6 SPECIFIES THAT MEMBER STATE GOVERNMENT OFFICIALS AND EC INSTITUTION OFFICIALS ARE BARRED FROM HOLDING SEATS IN THE EP.

(F) ARTICLE 7 SPECIFIES THAT THE PARLIAMENT IS TO DRAW UP A PROPOSAL FOR A UNIFORM ELECTORAL PROCEDURE AND THAT, PENDING ENTRY INTO FORCE OF THIS PROCEDURE, NATIONAL ELECTORAL PROCEDURES LIMITED OFFICIAL USE

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PAGE 03 EC BRU 09211 211532Z

WILL APPLY IN EACH MEMBER STATE.

(G) ARTICLE 9 PROVIDES FOR A FOUR-DAY POLLING PERIOD DURING WHICH MEMBER STATES MUST CONDUCT NATIONAL POLLING.

(H) ARTICLE 10 PROVIDES THAT THE DATES FOR THE FIRST ELECTIONS SHOULD BE DETERMINED ON THE BASIS OF UNANIMOUS COUNCIL DECISION AFTER CONSULTATION WITH THE PARLIAMENT.

COMMENT: AS NOTED ABOVE, THE COUNCIL DECISION EXPRESSES THE INTENTION TO PUT INTO EFFECT THE CONCLUSIONS OF THE DECEMBER 1975 ROME EUROPEAN COUNCIL THAT ELECTIONS SHOULD TAKE PLACE DURING THE MAY-JUNE, 1978 PERIOD. SINCE THERE ARE NO FURTHER REFERENCES TO TIMING IN THE TWO DOCUMENTS, ARTICLE 10 MAKES IT CRYSTAL CLEAR THAT THE ULTIMATE DECISION ON DATES IS LEFT TO FUTURE COUNCIL AGREEMENT. END COMMENT.

(I) ARTICLE 12 PROVIDES THAT EACH MEMBER STATE DEVELOP APPROPRIATE PROCEDURES FOR FILLING ANY VACANCY WHICH OCCURS DURING THE FIVE-YEAR TERM OF OFFICE.

(J) ARTICLE 13 SPECIFIES THAT ANY NECESSARY IMPLEMENTING MEASURES BE ADOPTED BY UNANIMOUS COUNCIL DECISION ON THE BASIS OF PROPOSALS FROM THE PARLIAMENT.

4. BERLIN. IN AN ACCOMPANYING DECLARATION, THE FRG INDICATES ITS INTENTION TO APPLY THE ACT TO THE LAND OF BERLIN, AND NOTES THAT THE BERLIN PARLIAMENTARIANS ARE TO BE ELECTED BY THE CHAMBER OF DEPUTIES.

5. THE DANISH RESERVATION - THE DANISH RESERVATION, WHICH CONCERNS SIMULTANEOUS EP AND FOLKETING ELECTIONS AND A DUAL MANDATE FOR DANISH PARLIAMENTARIANS, WAS HANDLED BY A COUNCIL DECLARATION, ACCOMPANYING BUT NOT AN INTEGRAL PART OF THE ACT. SHOULD THE DANES BE UNABLE TO REMOVE THESE RESERVATIONS PRIOR TO COMPLETION OF THEIR RATIFICATION PROCEDURES, THEY MAY NOTIFY THE EC COUNCIL SECRETARIAT THAT: (1) EP DIRECT ELECTIONS IN DENMARK WILL BE DELAYED UNTIL THE NEXT SCHEDULED FOLKETING ELECTIONS (DANISH PARLIAMENTARIANS TO BE APPOINTED FROM AMONG THE FOLKETING MEMBERSHIP UNTIL THAT TIME) AND (2) DANISH PARLIAMENTARIANS MUST BE MEMBERS OF THE FOLKETING, WITH CON-LIMITED OFFICIAL USE

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PAGE 04 EC BRU 09211 211532Z

CURRENT TERMS OF OFFICE IN BOTH BODIES. THE DECLARATION NOTES THAT THE DANISH GOVERNMENT WILL NOTIFY THE COUNCIL SECRETARIAT, AS SOON AS THE SITUATION PERMITS, OF THE DATE ON WHICH ALL OR PART OF THE PROVISIONS OF THEIR RESERVATION CAN BE REMOVED, AND THE DECLARATION NOTES THAT THE DANES HOPE TO PROVIDE THIS NOTIFICATION DURING THE FIRST FIVE-YEAR TERM OF THE PARLIAMENT.

6. THE BRITISH POSITION - THE BRITISH RESERVATION WITH RESPECT TO THEIR PROBLEMS IN MEETING THE 1978 DEADLINE WAS DROPPED. HOWEVER, DURING A LATER BBC INTERVIEW, FOREIGN SECRETARY CROSLAND MADE CLEAR THAT HMG RETAINS THE OPTION OF NOT HOLDING ELECTIONS BY THAT TIME. HE STRESSED THAT ALTHOUGH THE UK HAD AGREED TO DIRECT ELECTIONS IN PRINCIPLE, THERE WERE STILL QUOTE GENUINE CONSTITUTIONAL DIFFICULTIES TO BE OVERCOME UNQUOTE. HE INDICATED, HOWEVER, THAT HMG WOULD NOT INSIST ON

HOLDING UP THE WHOLE PROCESS IF THE UK WERE UNABLE TO MEET THE DEADLINE. IN RESPONSE TO A QUESTION, CROSLAND STATED THAT THE HOSTILE RESOLUTION ON DIRECT ELECTIONS, EXPECTED TO BE ADOPTED NEXT WEEK BY THE LABOUR PARTY NATIONAL EXECUTIVE COMMITTEE, WOULD NOT ALTER THE UK COMMITMENT. FULL TEXT OF BOTH THE COUNCIL DECISION AND THE ACT TO FOLLOW BY AIRGRAM. MORRIS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, VOTING, REGIONAL ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ECBRU09211
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760356-0633
From: EC BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760938/aaaabglp.tel
Line Count: 175
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 EC BRUSSELS 6915
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2004 by BoyleJA>; APPROVED <13 AUG 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EC FOREIGN MINISTER'S COUNCIL, SEPTEMBER 20, 1976: EUROPEAN PARLIAMENT DIRECT ELECTIONS
TAGS: PINT, EEC
To: SECSTATE WASHDC ALL EC CAPITALS 2506 BERLIN MOSGOW BERLIN NATO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006